

CARMEL CITY CODE
CHAPTER 10: ZONING & SUBDIVISIONS
ARTICLE 2: SUBDIVISION REGULATIONS
CARMEL SUBDIVISION CONTROL ORDINANCE
CHAPTER 5: PROCEDURE FOR SUBDIVISIONS

- 5.00 Procedure for Subdivisions.
- 5.01 Procedure Generally.
- 5.02 Requirements for Preliminary Plat.
- 5.03 Requirements for Preliminary Supporting Data.
- 5.04 Requirements for Final Plat.
- 5.05 Requirements for Final Supporting Data.
- 5.06 Requirements for Construction Plan.
- 5.07 Provisions for Financial Performance and Maintenance Guarantees for Subdivisions.
- 5.08 Resubdivision; Lots Containing Two-Family Dwellings.

5.00 Procedure for Subdivisions.

5.01 Procedure Generally.

- 5.01.01 The Preliminary Plat - Conformance. Whenever a subdivision is proposed to be made on any land lying within the jurisdiction of the Commission, and before any construction work is started, the owner or proprietor of the proposed subdivision or his duly authorized representative shall cause a preliminary plat to be prepared as required herein. The preliminary plat shall comply fully with the health, zoning, and other applicable ordinances in effect at the time the plat is submitted. Whenever the platting of any residential ground within the jurisdiction of this Ordinance is proposed, the procedure and requirements herein shall apply. Where the platting of commercial or industrial ground within the jurisdiction of this Ordinance is proposed, the procedure and requirements shall be adjusted as necessary in order to allow the platting of streets and easements without platting lots. The supporting data, construction plans and so forth shall follow the requirements herein. The procedures for preliminary and secondary final plat approval may be followed concurrently, if the applicant desires and so files, although no final plat approval shall be granted by the Commission until it has granted preliminary plat approval.
- 5.01.02 Review with Building Commissioner. Applicants shall meet with the Building Commissioner to review the zoning classification of their site, obtain copies of all regulatory ordinances if necessary, review the platting procedure and the proposed development and use of their property. The Building Commissioner shall aid and advise the applicant in preparing his application and supporting documents, if necessary.
- 5.01.03 Application for Preliminary Plat. Five (5) copies, or more if necessary, of the preliminary plat, together with supporting documents, shall be submitted to the Building Commissioner with a written application and the application fee as indicated in *Section 29.06* of the Zoning Ordinance.
- 5.01.04 Initial Review of the Preliminary Plat by the Building Commissioner. Following the receipt of the preliminary plat, other required materials and the written application, and the application fee by the Building Commissioner, the applicant shall have thirty (30) days to complete the requirements listed herein, if necessary. When the applicant states in writing that he has fulfilled the requirements, the Building Commissioner shall, within thirty (30) days, review the preliminary plat and related materials solely for the purpose of determining whether to allow the preliminary plat to be formally filed with

the Commission. If the materials submitted by the applicant do not comply with the Ordinance, the Building Commissioner shall inform the applicant, in writing, of the deficiencies in his materials and shall extend the time period allowed for submission. Unless and until the Building Commissioner formally accepts a preliminary plat for filing, it shall not be considered as actually filed for the purposes of proceeding to the succeeding steps toward final plat approval as hereinafter set forth. The application is formally filed when it is placed upon the Commission agenda by the Building Commissioner, according to the Commission Rules of Procedure currently in effect.

- 5.01.05 The Meaning of Filing. The filing of a primary plat approval request grants no proprietary rights to the applicant in the proposed subdivision and in no way is binding upon the Commission as to what terms and conditions will apply before secondary plat approval is granted, if any, it being the purpose of such preliminary data and drawings to advise both the Commission and the interested public as to what the applicant or subdivider is proposing in order to appropriately hold a public hearing on the proposed subdivision.
- 5.01.06 Public Hearing. Once the Building Commissioner has accepted and filed an application and preliminary plat, the Commission or its delegate shall assign a docket number and set a date and time for a public hearing as required by the Rules of Procedure of the Commission. The applicant shall be responsible for providing legal notice to all interested parties and property owners as required by the Rules of Procedure of the Commission. The minimum time period for the giving of the notice shall be at least thirty (30) days prior to the initial hearing date. The conduct of the Public Hearing shall be in accordance with the Commission's Rules of Procedure. Following the public hearing, the plat is to be reviewed by the Commission.
- 5.01.07 Approval of Disapproval of the Preliminary Plat. Following the public hearing of the preliminary plat the Commission, within forty-five (45) days of the date of the public hearing, shall notify the applicant in writing, of any further changes in the preliminary plant which are required or should have consideration before approval of the preliminary plat may be given. This may include a review of the proposed plat by the Building Commissioner's Technical Advisory Committee. When the required changes and considerations are incorporated into the preliminary plat, the Commission shall then approve or disapprove the preliminary plat. If the Commission disapproves the preliminary plat, it shall set forth the reasons for such disapproval in its own records and shall provide the applicant with a copy of such reasons. In determining whether an application for approval shall be granted, the Commission shall consider generally if the plat provides for:
1. coordination of subdivision streets with existing and planned streets or highways;
 2. coordination with, and extension of, facilities included in the master plan;
 3. establishment of minimum width, depth, and area of lots within the proposed subdivision;
 4. distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the city or county;
 5. fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry; and
 6. other relevant factors.
- The Building Commissioner shall notify the applicant in writing of the approval or disapproval of the preliminary plat, and if approved, inform the applicant that he may proceed with the final plat and the construction plans.
- 5.01.08 The Meaning of Approval. Approval of a preliminary plat shall not constitute approval of the final plat. It shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
- 5.01.09 The Final Plat - Generally. The final plat shall conform to the preliminary plat as approved and may include all, or only a part, of the preliminary plat which has received approval and shall conform to all of the requirements for final plat as hereinafter set forth.

-
- 5.01.10 Application for Final Plat. Five (5), or more if necessary, of the final plat and of the construction plans, together with supporting documents, shall be submitted to the Building Commissioner with a written application and the application fee as indicated in *Section 29.06* of the Zoning Ordinance.
- 5.01.11 Initial Review of the Final Plat by the Building Commissioner. Following the receipt of the final plat, the construction plans, other required materials, the written application and the application fee by the Building Commissioner, the applicant shall have thirty (30) days to complete the requirements listed herein, if necessary. When the applicant states in writing that he has fulfilled his requirements, the Building Commissioner shall, within thirty (30) days, review the final plat, construction plans, and related materials solely for the purpose of determining whether the application is complete and whether it fulfills the requirements listed herein. If the materials submitted by the applicant are not complete or do not comply with the Ordinance, the Building Commissioner shall inform the applicant, in writing, of the deficiencies in his materials and shall extend the time period allowed for submission. When the Building Commissioner verifies completion and conformance with the technical terms of the Ordinance, he shall place the final plat application on the Commission agenda according to the Commission Rules of Procedure currently in effect.
- 5.01.12 Approval or Disapproval of the Final Plat. After submission of the final plat by the Building Commissioner to the Commission, the Commission shall review the final plat, construction plans and other materials. If any changes or other considerations in the final plat, construction plans, or other materials are required or requested by the Commission they shall so inform the applicant in writing. When the required changes and considerations are incorporated into the final plat, construction plans and other materials, the Commission shall then approve or disapprove the final plat and construction plans within forty-five (45) days of the receipt of amended material. If the Commission approves the final plat, it shall affix the Commission's seal upon the final plat, together with certifying signatures of the President and Secretary, following the receipt by the proper authorities of financial guarantee of all improvements and installations required. If the Commission disapproves the final plat, it shall set forth the reasons for such disapproval in its own records and shall provide the applicant with a copy of such reasons. The Building Commissioner shall notify the applicant in writing of the approval or disapproval of the final plat, and if approved, inform the applicant that he may proceed with the construction of the subdivision following the recording of the final plat.
- 5.01.13 Recording the Final Plat. After the Commission has approved the final plat the subdivider shall file such plat for recordation in the office of the Recorder of Hamilton County, Indiana. The application and submission of the plat for approval shall, in and of itself, constitute an agreement on the part of the applicant that if the final plat is approved by the Commission, the applicant shall proceed to record the approved final plat within one year after the Commission grants such approval. Failure to record the final plat within this period shall result in the approval being declared void by the Commission unless an extension is applied for and granted by the Commission. Following approval by the Commission and the recording of the final plat, the applicant shall provide the Commission with a reproducible copy of the final plat and accompanying covenants and including certification and signatures of the Commission and of the Recorder of Hamilton County, Indiana.
- 5.01.14 Commencing Construction of the Final Plat. Any person, to whom approval is granted final plat approval for a subdivision, who fails to commence construction within eighteen (18) months after such approval has been granted, shall, within thirty (30) days after said eighteen (18) month period, be required to show good cause to the Commission through the Building Commissioner why said approval should not be revoked by the Commission. A failure to show good cause as herein required shall result in the automatic revocation of such approval at the termination of the thirty (30) day period set forth above. The application and submission of a plat for approval shall, in and of itself, constitute an agreement on the part of the applicant that should construction not begin with said eighteen (18) month period and upon notice to the person granted plat approval, the Building Commissioner may be empowered by the Commission to revert and record the tract given plat approval, as it was recorded prior to the revoked plat application.
- 5.01.15 Simultaneous Filings. The subdivider may file both preliminary plat and final plat simultaneously as long as proper plans and documents are also filed.
-

5.02 Requirements for Preliminary Plat.

The intent of the preliminary plat and accompanying data is not to provide final design information on the various items required herein, but to provide general information of a conceptual nature. No land shall be subdivided unless adequate access to the land over improved streets or thoroughfares exists or shall be provided by the subdivider. Subdivision of land shall be such that it will not cause harm to the health, safety or welfare of present and/or potential residents and the community as a whole due to poor drainage or flooding, soil conditions, topography or any other feature deemed harmful. The owner or subdivider shall submit five (5) copies, or more as needed, of the preliminary plat. The preliminary plat shall be drawn at a scale of fifty feet to one inch (50' = 1") or 100 feet to one inch (100' = 1"); provided, however, that if the resulting drawings would be over thirty-six (36) inches in the shortest dimension, a scale as recommended by the Building Commissioner may be used. The preliminary plat shall show:

- 5.02.01 The proposed name of the subdivision followed by the words "Preliminary Plat", the date of submission or latest revision, the name of the subdivision designer, the present zoning classification and the total acreage of the plat.
- 5.02.02 Names, addresses and telephone numbers of the owner, subdivider and Registered Land Surveyor, in accordance with State Statutes and licensed to do business in the State of Indiana, who prepared the plat.
- 5.02.03 The approximate location of existing and proposed streets and rights-of-way, on and adjoining the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community), roadway widths and right-of-way widths.
- 5.02.04 The approximate location and widths of all existing and proposed easements, indicating their use for drainage or utilities (water, sanitary sewer, storm sewer, electric, telephone, gas, street lights, cable television, and/or legal drains).
- 5.02.05 The approximate location, size and capacity of utilities to be installed including water, sanitary sewage and storm drainage facilities. The general location of septic tanks and wells, if used, shall be shown on the preliminary plat. The minimum information on the plat shall include:
 1. Location of proposed sanitary sewers with connection to the main sewer system, lift stations, if any, and other appurtenances if any. If private sewage systems, locate the system in relation to well, house and adjacent lot systems. Private sewage systems shall be installed according to the requirements of the Hamilton County Board of Health and the Indiana State Board of Health.
 2. Location of water mains, hydrants, and other appurtenances.
 3. Location of proposed methods of drainage. If a storm sewer or similar type of system is used, show connection into stream, retention reservoir, *etc.*; distance to stream outlet; lift stations, if any; approximate size; approximate location; manholes, if any; inlets; junction boxes and other necessary appurtenances. If surface drainage is planned -- roadside ditches, swales, grassed waterways, water courses, open ditches, roll curb and gutter sections -- show location of said type; location and approximate size of road culverts; and location and typical cross-section of grades, swales, waterways, roadside ditches and open ditches, if applicable. If subsurface drain tile is planned, show location, connection to storm sewer, outlet in open drain or retention reservoir, or other adequate outlet. Subsurface drains shall not outlet into curbs or shallow swales. The direction of the flow of the stormwater in swales, curbs, open ditches, tiles and the like shall be shown.
- 5.02.06 The layout of lots, showing the dimensions and lot numbers, and the approximate square footage area on non-rectangular lots.

- 5.02.07 Parcels of land proposed to be dedicated or reserved for public schools, parks, playgrounds or other public use, private recreational facilities for use of the people within the subdivision, and other areas to be used for community purposes.
- 5.02.08 Contours at vertical intervals of one (1) foot if the general slope of the proposed subdivision is less than three percent (3%), of two (2) feet if the general slope of the proposed subdivision is three percent (3%) or more and less than ten percent (10%) or of five (5) feet if the general slope is ten percent (10%) or more. All benchmark references shall be based on National Geodetic Vertical Datum of 1929.
- 5.02.09 Approximate tract boundary lines showing dimensions, angles bearings, existing monuments, existing markers, reference corners and benchmarks. All shall be described according to recognized practice based on approximate distances and directions with reference to section, township and range.
- 5.02.10 Indicate the location of flood plains as established by the FP, FF and FW flood plain districts cited in the Zoning Ordinance.
- 5.02.11 Building setback lines.
- 5.02.12 Where appropriate or required by the Zoning Ordinance, an indication of the general location of existing and proposed trees, shrubbery and screening materials.
- 5.02.13 Legends and notes, a summary of the number of lots, total acreage within the subdivision and the zoning classification.
- 5.02.14 Scale and north arrow.
- 5.02.15 Other features or conditions shall be shown on the preliminary plat that would affect the subdivision favorably or adversely.

5.03 Requirements for Preliminary Supporting Data

The owner or subdivider shall submit two (2) copies, or more as needed, of the following data, which shall be supportive of the preliminary plat:

- 5.03.01 An area location map at a scale of 1" = 500'. The map shall show the proposed subdivision and surrounding area. The area location map may be prepared on an existing base map and shall show the following:
 - 1. The outline of the proposed subdivision, its name and location;
 - 2. Existing adjacent uses;
 - 3. Existing adjacent zoning classifications and proposed uses;
 - 4. Any thoroughfares directly related to the proposed subdivision;
 - 5. Watershed boundaries, number of acres within each watershed involved and the general overland flow pattern; and
 - 6. The title of the area location map, its scale, north arrow, the date the information was placed on the map and the date the base map was prepared.
- 5.03.02 The owner or subdivider shall submit a brief written report indicating the manner in which the proposed subdivision is coordinated with the Comprehensive Plan and its provisions; specifically, with relation to the requirements of the thoroughfare, school and recreation sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity.
- 5.03.03 Service reports or statements, as necessary may include but not be limited to the following sources: police or sheriff departments; fire department; water and sanitary sewer utilities; electric, gas and telephone utilities; city, county or state highway department; Carmel/Clay Schools; Hamilton County

Health Department; Surveyor, Drainage Board and Board of Commissioners; Hamilton County Soil and Water Conservation District office; Indiana Natural Resources Commission; Carmel Board of Public Works; and Building Commissioner.

- 5.03.04 A brief report describing the water system, sanitary sewer system and storm drainage system. This report should state the source of water, the expected water consumption, method of distribution within the subdivision and any special problems. The proposed sanitary collection system should be reviewed, total estimated effluent determined, and any special problems identified. If septic systems are proposed, the results of a percolation test must be included. General approval of the use of septic systems should be granted by the Hamilton County Board of Health and incorporated into the report. The report should cover the flooding potential of the proposed subdivision and should include the design of the storm water system that would accommodate a ten-year storm, the pad elevations necessary to keep all buildings above the one hundred-year flood level, the expected impact of the proposed subdivision's storm water runoff on any receiving stream or downstream property and the approximate location, size and capacity of any retention basins to be located in or directly affecting the proposed subdivision. Where legal drains are involved, comments from the Hamilton County Drainage Board shall be included. If a flood plain of a watershed in excess of one (1) square mile is involved, reports, recommendations, and approvals, where necessary, from the Indiana Natural Resources Commission shall be included.
- 5.03.05 A statement from the State Highway Department, or City Street Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes and other specifications deemed necessary by the Commission or State Highway, County Highway or City Street Department. The condition of the existing roadway and its suitability to handle its proposed traffic must be specified.
- 5.03.06 A soils map, and its accompanying report from the Hamilton County Soil and Water Conservation District office, showing the soil limitations based upon the intended usage of the land for the proposed subdivision.
- 5.03.07 A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision shall be provided.
- 5.03.08 An application shall be prepared, the form to be supplied by the Building Commissioner and shall be accompanied by a certified check or money order in the amount of fee specified in *Section 29.06* of the Zoning Ordinance.
- 5.03.09 An erosion control plan and statement setting forth the method of controlling erosion and sedimentation before, during and following development and construction, *i.e.*, temporary seeding, sediment detention basins, erosion prevention devices and other similar means that meet the Hamilton County Soil and Water Conservation District guidelines for urban development.
- 5.03.10 Submit a letter to the Carmel Board of Public Works or other appropriate authorities stating the number of proposed water hookups, sanitary sewer hookups, *etc.*, requested for the proposed subdivision.

5.04 Requirements for Final Plat.

The final plat may include all or only a part of the preliminary plat which has received Commission approval. If the final plat is presented in sections for approval, then the applicant shall provide a drawing of the plat of said section with all items included that are required for final plat approval. The original mylar drawing of the final plat and five (5) copies, or more as needed, shall be drawn to a scale of fifty (50) feet to one (1) inch; provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. The final plat shall show:

- 5.04.01 Name of the subdivision, followed by the words "Final Plat" and the date of submission or latest revision.

- 5.04.02 Names, addresses and telephone numbers of the owner, subdivider and Registered Land Surveyor, in accordance with State Statutes and licensed to do business in the State of Indiana, who prepared the plat with his signature, seal and the date on each page of the plat.
- 5.04.03 Accurate tract boundary lines showing dimensions, angles, bearings, existing monuments, existing markers, reference corners and benchmarks. All shall be described according to recognized practice based on accurate distances and directions with reference to section, township and range.
- 5.04.04 Source of title to the parcel of land to be subdivided as shown in the books of the Recorder of Hamilton County, Indiana as proof of ownership.
- 5.04.05 The accurate locations of all existing and proposed streets and rights-of-way on and adjoining the proposed subdivision showing the names (which shall not duplicate other names of streets in the community), right-of-way widths and roadway widths.
- 5.04.06 Complete curve notes for all curves included in the plat.
- 5.04.07 Accurate dimensions, angles and bearings of all lots and other property or parcels of land to be dedicated or reserved for public, semi-public or community use within the proposed subdivision plus lot numbers.
- 5.04.08 Accurate location, type, material and size of all monuments and markers proposed.
- 5.04.09 Accurate locations and widths of all easements, indicating their use for drainage or utilities, and any limitations in such easements. These utility easements include, but are not limited to, water, gas, sanitary sewage, street lights, electric, telephone and cable television.
- 5.04.10 Building setback lines.
- 5.04.11 Scale and north arrow.
- 5.04.12 Legends and notes.
- 5.04.13 Certification of dedication of streets and other public property.
- 5.04.14 Registered Land Surveyor's certificate.
- 5.04.15 Certificate for approval by the Commission, which shall be on each and every page of the final plat.
- 5.04.16 Certificate of acceptance by the Carmel Board of Public Works or the Hamilton County Board of Commissioners.
- 5.04.17 Restrictions of all types which will run with the land and become covenants in the deeds for the lots in the proposed subdivision.
- 5.04.18 The Subdivider Agreement Forms, as shown in Appendix, shall be completed and submitted with the final plat.

5.05 Requirements for Final Supporting Data.

- 5.05.01 An application shall be prepared, the form to be supplied by the Building Commissioner, and shall be accompanied by a certified check or money order in the amount of fee specified in *Section 29.06* of the Zoning Ordinance.
- 5.05.02 The following statements or reports shall be provided, however, if there is no substantial change in the final plat from the preliminary plat, then the reports submitted with the preliminary plat is acceptable:
 - 1. Service reports or statements, as necessary, may include but not be limited to the following sources: police or sheriff's department; fire department; water and sanitary sewer utilities; electric, gas and telephone utilities; city, county or state highway departments; Carmel-Clay Schools; Hamilton County Health Department, Surveyor, Drainage Board and Board of Commissioners; Hamilton County Soil and Water Conservation District office; Indiana

Natural Resources Commission; Carmel Board of Public Works and Building Commissioner.

2. A brief report describing the water system, sanitary sewer system and storm drainage system. This report should state the source of water, the expected water consumption, method of distribution within the subdivision and any special problems. The proposed sanitary collection system should be reviewed, total estimated effluent determined and any special problems determined. If septic systems are proposed, the result of a percolation test must be included. General approval of the use of septic systems should be granted by the Hamilton County Board of Health and incorporated into the report. The report should cover the flooding potential of the proposed subdivision and should include the design of the storm water system that would accommodate a ten-year storm, the pad elevations necessary to keep all buildings above the one hundred-year flood level, the expected impact of the proposed subdivision's storm water runoff on any receiving stream or downstream property and the approximate location, size and capacity of any retention basins to be located in or directly affecting the proposed subdivision. Where legal drains are involved, comments, reports, recommendations and approvals, where necessary, from the Indiana Department of Natural Resources shall be included.
3. A statement from the State Highway Department, the County Highway Department or the City Street Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes and other specifications deemed necessary by the Commission or State Highway, County Highway or City Street Department. The condition of the existing roadway and its suitability to handle its proposed traffic must be specified.
4. A soils map, and its accompanying report from the Hamilton County Soil and Water Conservation District, showing the soil limitations based upon the intended usage of the land for the proposed subdivision.
5. An erosion control plan and statement setting forth the method of controlling erosion and sedimentation before, during and following development and construction, i.e., temporary seeding, sediment detention basins, erosion prevention devices and other similar means that meet the Hamilton County Soil and Water Conservation District guidelines for urban development.
6. A letter or other written statement from the Carmel Board of Public Works or other appropriate authorities stating that said appropriate authority has capacity for the number of sanitary sewer and water hookups necessary to service the proposed subdivision.

5.06 Requirements for Construction Plan.

Following approval of the preliminary plat approval by the Commission, the subdivider shall, if he has not previously done so, submit five (5) copies, or more as needed, of the construction plans for the improvements to be installed in the subdivision in accordance with the provisions of this Ordinance. The construction plans shall be prepared by a Professional Engineer or Registered Land Surveyor, in accordance with State Statutes and licensed to do business in the State of Indiana. Construction plans to be submitted shall include:

- 5.06.01 The proposed method of sewage disposal, with detailed plans and profiles of proposed sanitary sewers, with connections to the main sewer system. If such a central system is used, a statement from the appropriate sewage treatment authority that the plans, as proposed, are satisfactory. If septic tanks are used, plans shall show the proposed private sewage disposal tests with results shown at each test location and that the water table at the proposed location is more than thirty (30) inches below the ground surface. This shall be accompanied by a statement from the Hamilton County Health Board that the septic tanks should work as proposed.

- 5.06.02 The proposed water supply and detailed plans and specifications of the water distribution system, providing a drawing indicating thereon the connections proposed to the public water supply and, if not available, the type of well system contemplated for each lot and the proposed location of the well.
- 5.06.03 A drawing and construction plan indicating thereon the proposed method of drainage.
1. If a storm sewer or similar type of system is used, provide details showing connection to the main system or method of disposition into stream, retention reservoir, *etc.*, distance to stream outlet, locations and sizes of lift stations, manholes, inlets, junction boxes and other necessary appurtenances.
 2. If surface drainage is used, show roadside ditches, swales, grassed waterways, watercourses, open ditches, roll curb and gutter sections and road culverts. Details to be shown should include, as necessary, type, location, size, typical cross-sections, depths, grades, profiles and other information as to the adequacy of the outlet drain or detention reservoir. Show off-site drainage swales, ditches and any other facilities that discharge onto the site of the proposed subdivision.
 3. The elevations at each corner of every lot and a minimum house pad elevation.
- 5.06.04 Detailed plans, profiles, cross-sections and specifications of streets within the adjoining and proposed subdivision, including roadway widths, pavement widths, rights-of-way, construction gradients, types and widths of pavement, curbs, gutters, sidewalks, crosswalks, entrance detail and other pertinent data. Street names shall be cited on the various plans.
- 5.06.05 Detailed plans of the proposed street lighting system showing locations, type, wattage, height, easements, wiring location if the lights are not to be installed at the time of construction of the subdivision, *etc.* Final decision on street lighting installation shall be made by the Carmel Board of Public Works or other appropriate authorities.
- 5.06.06 Detailed plan of the fire hydrant system and their easements.
- 5.06.07 Detailed plan of the proposed landscape plan, where required, showing location, size, kind, *etc.*, of existing and proposed trees, shrubbery and screening materials.

5.07 Provisions for Financial Performance and Maintenance Guarantees for Subdivisions.

As a prerequisite to final plat approval, the subdivider shall agree to provide financial performance and maintenance guarantees for public facility improvements and installations to be constructed in and, as necessary for proper connection and system coordination, adjoining the proposed subdivision. The public facility improvements and installations shall include streets (base and paving, individually), curbs and gutters, sidewalks, storm water drain and storm sewer systems, sanitary sewer systems, water supply systems, street name signs, monuments and markers and the various appurtenances related thereto. All construction shall be according to plans submitted as portion of final plat and accompanying data, subject to standards and specifications cited herein. Non-public facility improvements and installations shall be subject to financial guarantees established by their ownership.

- 5.07.01 Performance Guarantee. Prior to or at the time of final plat approval, the subdivider shall be required to provide financial performance guarantee, by certified check, performance bond, or any irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the Plan Commission, that all public facility improvements and installations required under the provisions of this ordinance shall be completed. Bonds, checks, and letters are to run to:
- A. City of Carmel jurisdiction: City of Carmel
 - B. Hamilton County jurisdiction: Board of Commissioners of Hamilton County

Said financial performance guarantee shall be conditioned upon the following:

1. The completion of public facility improvements and installations shall be within two (2) years from the recording of the final plat;
2. A penal sum shall be fixed and approved by the Commission equal to one hundred percent (100%) of the total estimated current cost to the city or county of all public facility improvements and installations provided in the final plat and accompanying data according to specifications cited herein;
3. Each public facility improvement or installation provided in the final plat or accompanying data shall be bonded individually, or shall have an individual certified check or letter of credit to cover the penal sum, and shall not have the performance guarantee provided in combination with any of the other public facility improvements and installations.
4. The performance bond, certified check, or letter of credit shall be issued in the name of the owner, developer, contractor or other responsible party as determined by the Plan Commissioner.

5.07.02 Extension of Completion Time and Non-Performance.

1. Should the subdivider not complete the public facility improvements and installations as herein required within the stated two (2) year period, the Building Commissioner may approve an extension of time of up to two (2) additional years, granted at six (6) month intervals, for completion of the required public facility improvements and installations.
2. Should the subdivider not complete the public facility improvements and installations as herein required within the two (2) year period or within any time extension approved by the Building Commissioner, the proper authorities may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the certified check, performance bond or letter of credit.

5.07.03 Release of Performance Guarantee. Upon the completion of the required public facility improvements and installations according to the recorded secondary plat, approved development plans, accompanying data and the standards cited herein, the subdivider shall provide the Department of Community Development with two (2) sets of as-built drawings showing all site improvements, including but not limited to drainage and sewerage systems, water distribution systems, signs, and monuments as they were constructed and installed, and including certificates by a Professional Engineer or Land Surveyor that all improvements were installed as shown and in conformance with this Ordinance and all applicable standards and requirements of the appropriate governmental jurisdictions. The subdivider may then request the release of the performance guarantee posted with the proper authority. Upon the receipt of a maintenance guarantee, as specified herein, the proper authority shall release the performance guarantee within sixty (60) days. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any of the other individual public facility improvements and installations or their performance guarantees.

5.07.04 Maintenance Guarantee. Prior to the release of the performance guarantee, the subdivider shall be required to provide financial maintenance guarantee, by certified check or maintenance bond, that all public facility improvements and installations required under the provisions of this Ordinance shall be maintained according to specifications cited herein. Bonds and checks are to run to:

- A. City of Carmel jurisdiction: City of Carmel
- B. Hamilton County jurisdiction: Board of Commissioners of Hamilton County.

Said financial maintenance guarantee shall be conditioned upon the following:

1. The maintenance guarantee shall run and be in force for a period of three (3) years from the date of release of the performance guarantee.

2. A penal sum shall be fixed and approved by the Commission but in no case shall the penal sum be less than fifteen percent (15%) of the total performance guarantee for streets and ten percent (10%) of the performance guarantee for all other public facility improvements and installations. The minimum maintenance guarantee to be posted for streets shall be no less than \$5,000.00.
 3. Each public facility improvement or installation shall be bonded individually, or shall have no individual certified check to cover the penal sum, and shall not have the maintenance guarantee provided in combination with any of the other public facility improvements and installations.
 4. The maintenance bond shall be issued in the subdivider's name alone or in the name of the subdivider and his subcontractor as co-signers. All certified checks provided for financial maintenance guarantee shall be signed by the subdivider alone.
- 5.07.05 Release of Maintenance Guarantee. All maintenance bonds shall expire at the end of the three-year period for which they were established. Within sixty (60) days of the expiration date, the proper authority shall return said expired maintenance bonds to the subdivider. In the case where a certified check has been posted as a maintenance guarantee, the subdivider shall, at the end of the three-year maintenance period, contact the proper authority in order to obtain the release of the maintenance guarantee. The proper authority shall return said maintenance guarantee to the subdivider within sixty (60) days. The maintenance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any of the other individual public facility improvements and installations or their maintenance guarantees.

5.08 Resubdivision; Lots Containing Two-Family Dwellings.¹

- 5.08.01 Resubdivision. Resubdivision refers to the division of one (1) lot that contains one (1) two-family dwelling into two (2) lots each of which contains one (1) dwelling unit, for the purpose, whether immediate or future, of transfer of ownership of either or both of the resulting lots. Resubdivision does not include transfers between adjoining lot owners which do not create additional lots or buildable sites.
- 5.08.02 Procedure for Resubdivision. Whenever an owner desires to resubdivide a lot in an already approved secondary plat, the owner shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.
- 5.08.03 Request for Waiver; Notice and Hearing. After receiving an application for resubdivision that includes an express request for waiver of the requirement of subsection 5.08.02 above, the Department shall place the application on the agenda of the Plat Committee and require notice to be given to the general public and to interested parties as outlined in the Commission's rules of procedure. The application shall be filed and heard by the Plat Committee as a petition for a subdivision regulations waiver.
- 5.08.04 Approval of Waiver. Whenever, after notice and hearing, the Plat Committee makes a finding on the record that the purposes of these regulations may be served by permitting resubdivision without requiring an amendment of the original plat, the Plat Committee may waive the requirement of subsection 5.08.02 above and approve the resubdivision without further notice or hearing by the Commission.

¹ Section 5.08 adopted per Ordinance No. Z-461-04, §k.

**CHAPTER 5: PROCEDURE FOR SUBDIVISIONS
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected
Z-461-04	04070029 OA	December 20, 2004	January 20, 2005	5.08 Winter 2005 v1